

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
COPENSHIP A/S,

Plaintiff,

-against-

FINAGRIT S.R.L.,

Defendant.  
-----X

07 Civ. 8068 (GEL)

**ORDER**

GERARD E. LYNCH, District Judge:

Plaintiff filed this maritime action in September 2007, and obtained an ex parte order of attachment pursuant to Rule B. Defendant promptly filed an answer and counterclaim, to which plaintiff in turn replied.

At a conference held by the Court on November 20, 2007, the parties advised the Court that plaintiffs' claims had already been arbitrated to a successful conclusion in France. Defendant indicated that it wanted counter-security for its claims. In response to questioning by the Court, the parties indicated that they expected to be able to work out an agreement that would secure both parties' claims and permit this action to be dismissed. The Court directed the parties to negotiate and submit a proposed order by the following week.

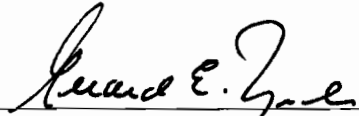
Three months have now passed. During that time, chambers staff have called either plaintiff or defendant's counsel eight times, leaving messages or speaking with counsel. Both plaintiff's counsel (in December) and defendant's counsel (in January) assured chambers staff that an order or motion would be forthcoming shortly. Neither party has followed through on these assurances. Nor has either party, in fact, ever contacted the Court, or taken any action to prosecute the case further, since the November conference.

The Court can only conclude that, the substantive dispute having been arbitrated and resolved, the parties have entirely lost interest in this case. Accordingly, unless either party

takes some action to advance or resolve the case by February 29, 2008, the attachment will be vacated and the case dismissed for failure to prosecute.

SO ORDERED.

Dated: New York, New York  
February 21, 2008

  
GERARD E. LYNCH  
United States District Judge